

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 7,022,814 B1)
)
Inventors: Maurice Moncany and)
Luc Montagnier)
)
Issue Date: April 4, 2006)
)
For: NUCLEOTIDE SEQUENCES)
DERIVED FROM THE GENOME OF)
RETROVIRUSES OF THE HIV-1,)
HIV-2 AND SIV TYPE, AND THEIR)
USES IN PARTICULAR FOR THE)
AMPLIFICATION OF THE)
GENOMES OF THESE)
RETROVIRUSES AND FOR THE IN)
VITRO DIAGNOSIS OF THE)
DISEASES DUE TO THESE)
VIRUSES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. § 254 and 255, and 37 C.F.R. § 1.322 and 1.323, this is a request for a Certificate of Correction in the above-identified patent. One of the mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent. The remaining mistakes identified in the appended Form are of a clerical or typographical nature, or of minor character, and resulted from an error made in good faith by patentees.

In particular, the application that granted as U.S. Patent No. 7,022,814 claimed priority to four U.S. applications: Application No. 09/092,077, Application No. 08/895,231, Application No. 08/160,465, and Application No. 07/820,599. Application No. 07/820,599 is a national stage application of International Application No. PCT/FR90/00393, which was filed on June 5, 1990. The International Application¹ is referenced in the application filing papers for the application that granted as this patent, but the international application and its filing date are not recited in the "Related U.S. Application Data" section on the face of the patent. Rather, the 35 U.S.C. § 371 date of Application No. 07/820,599, January 21, 1992, is incorrectly listed as the filing date in this section, instead of the International Filing Date of June 5, 1990. The incorrect reference to a prior copending application was made in an application filed prior to November 29, 2000; therefore, this error is properly corrected by a Certificate of Correction. See MPEP § 1481.03. First, all of the requirements set forth in 37 C.F.R. 1.78(a)(1) (pre-November 29, 2000 version) have been met. Namely, there is at least one inventor in common between the applications. Additionally, the invention claimed in this patent is disclosed in the priority application in the manner provided by 35 U.S.C. § 112, first paragraph.

Second, it is clear from the record of the patent and the parent applications that the benefit of the International Filing Date is appropriate. In this case, benefit under § 120 was claimed to the U.S. national stage application, but its 35 U.S.C. § 371 date

¹ The International Application was filed on June 5, 1990 (a Tuesday, with Monday, June 4, 1990, being a national holiday in France), but it is believed that due to the differences between European and U.S. date formats, the date was incorrectly recorded on the application filing papers as May 6, 1990.

was erroneously listed as its filing date; additionally, priority to PCT/FR90/00383 was claimed, but it was incorrect to make a § 119 priority claim instead of a § 120 benefit claim. As the national stage application is the *same application* as the international application, and as § 119 and the Paris Convention allow for only a year of foreign priority, it is plainly clear that the intended reference was to the International Filing Date in a claim for benefit under § 120.

Finally, patentee submits a copy of documentation showing designation of states (including the U.S.) from PCT/FR90/00393, illustrating that benefit of the International Filing Date under § 120 is appropriate. Namely, the cover page of the publication (WO 90/15066) of this application is included, showing designation of the U.S. in the international application. For the convenience of the Office, patentee also submits copies of the application filing papers for the application that granted as this patent, the as-filed Declaration (originally presented in U.S. Application No. 07/820,599, the national phase entry of PCT/FR90/00383), and the filing receipt showing both the '599 application and the international application as part of the benefit chain.

Patentee also notes that the "Foreign Application Priority Data" section is missing from the face of the patent. As priority to French Application Nos. 89 07354 and 89 12371 was claimed in the application filing papers, which are attached, and acknowledged by the Office in the filing receipt, also attached, patentee requests that this error be corrected as well.

A check in the amount of \$100 (the fee set forth in 37 C.F.R. § 1.20(a)) is attached. Should a check not be appended or should any additional fees be needed,

authorization is hereby given to charge any fees due in connection with the filing of this request to Deposit Account 06-0916.

The complete Certificate of Correction involves one (1) page. Issuance of the Certificate of Correction containing the correction is earnestly requested. Please charge any required fees not included herewith to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 29, 2009

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796
202-408-4086

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. 7,022,814 B1

Page 1 of 1

APPLICATION NO.: 09/670,105

ISSUE DATE: April 4, 2006

INVENTOR(S): Moncany et al.

It is hereby certified that an error or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Related U.S. Application Data

“(60) Continuation of application No. 09/092,077, filed on Jun. 5, 1998, now Pat. No. 6,194,142, which is a division of application No. 08/895,231, filed on Jul. 16, 1997, now Pat. No. 5,786,177, which is a division of application No. 08/160,465, filed on Dec. 2, 1993, now Pat. No. 5,688,637, which is a continuation of application No. 07/820,599, filed on Jan. 21, 1992, now abandoned.”

should read:

--(60) Continuation of application No. 09/092,077, filed on Jun. 5, 1998, now Pat. No. 6,194,142, which is a division of application No. 08/895,231, filed on Jul. 16, 1997, now Pat. No. 5,786,177, which is a division of application No. 08/160,465, filed on Dec. 2, 1993, now Pat. No. 5,688,637, which is a continuation of application No. 07/820,599, which entered the national stage on Jan. 21, 1992, now abandoned, and which is a national stage application of International Application No. PCT/FR90/00393, filed on June 5, 1990.--

On the face of the patent, insert the following text immediately above “(51) Int. Cl.”:

--(30) Foreign Application Priority Data

June 2, 1989	FR	89 07354
September 20, 1989	FR	89 12371 --

MAILING ADDRESS OF SENDER

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413